

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 732  
CUSTOMER CREDITS

## Section

732.10 Definitions

EMERGENCY

732.20 Local Exchange Service Obligations

EMERGENCY

732.30 Customer Credits

EMERGENCY

AUTHORITY: Implementing and authorized by Section 13-712 of the Public Utilities Act [220 ILCS 5/13-712].

SOURCE: Emergency rules adopted at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective August 1, 2001, for a maximum of 150 days.

## Section 732.10 Definitions

EMERGENCY

When used in this Part, the listed terms will have the definitions given in this Section.

"Act" means the Public Utilities Act [220 ILCS 5].

*"Alternative telephone service" means, except where technically impracticable, a wireless telephone capable of making local calls, and may also include, but is not limited to, call forwarding, voice mail, or paging services. [220 ILCS 5/13-712(b)(1)]*

*"Basic local exchange service" means residential and business lines used for local exchange telecommunications service as defined in Section 13-204 of the Act [220 ILCS 5/13-204], excluding: services that employ advanced telecommunications capability as defined in Section 706(c)(1) of the federal Telecommunications Act of 1996; vertical services; company official lines; and records work only. [220 ILCS 5/13-712(b)(2)]*

"Customer" means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with local exchange carrier telecommunications services as defined in Section 13-204 of the Law [220 ILCS 5/13-204]. "Customer" may also be referred to as "end user."

"Emergency situation shall mean a single event that causes an interruption of service or installations affecting end users of a local exchange carrier. The emergency situation shall begin with the first end user whose service is interrupted by the single event and shall end with the restoration of the service of all affected end users. The term "single even" shall include:

a declaration made by the applicable state or federal governmental agency that the area served by the local exchange carrier is either a state or federal disaster area; or

an act of third parties, including acts of terrorism, vandalism, riot, civil unrest, war, or acts of parties that are not agents, employees or contractors of the local exchange carrier; or

a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials.

The term "emergency situation" shall not include:

a single event caused by high temperature conditions alone; or

a single event caused by acts or omissions of the local exchange carrier, its agents, employees or contractors; or

any service interruption that occur during a single event listed in above, but are not caused by those single events; or

a single event that the local exchange carrier could have reasonably foreseen and taken precaution to prevent; provided, however, that in no event shall a local exchange carrier be required to undertake precautions which are technically infeasible or economically prohibitive.

*"Link Up" means the Link Up Assistance program defined and established at 47 C.F.R. Section 54.411 et seq. as amended. [220 ILCS 5/13-712(b)(3)]*

"Telecommunications carrier" or "carrier" means a telecommunications carrier as that term is defined in Section 13-202 of the Act [220 ILCS 5/13-202] that is providing local exchange telecommunications service as defined in Section 13-204 of the Act.

Section 732.20 Local Exchange Service Obligations  
EMERGENCY

Each telecommunications carrier must do all of the following:

- a) *Install basic local exchange service within 5 business days after receipt of an order from the customer unless the customer requests an installation date that is beyond 5 business days after placing the order for basic service and to inform the customer of its duty to install service within this timeframe. If installation of service is requested on or by a date more than 5 business days in the future, the telecommunications carrier shall install service by the date requested. A telecommunications carrier offering basic local exchange service utilizing the network or network elements of another carrier shall install new lines for basic local exchange service within 3 business days after provisioning of the line or lines by the carrier whose network or network elements are being utilized is complete. This subsection does not apply to the migration of a customer between telecommunications carriers, so long as the customer maintains dial tone.*
- b) *Restore basic local exchange service for a customer within 24 hours of receiving notice that a customer is out of service. This provision applies to service disruptions that occur when a customer switches existing basic local exchange service from one carrier to another.*
- c) *Keep all repair and installation appointments for basic local exchange service, when a customer premises visit requires a customer to be present.*
- d) *Inform a customer when a repair or installation appointment requires the customer to be present. [220 ILCS 5/13-712(d)]*

Section 732.30 Customer Credits  
EMERGENCY

*A telecommunications carrier shall credit customers for violations of the basic local exchange service quality standards described in Section 732.20 of this Part. The credits shall be applied on the statement issued to the customer for the next monthly billing cycle following the violation or following the discovery of the violation.*

- a) *If a carrier fails to repair an out-of-service condition for basic local exchange service within 24 hours, the carrier shall provide a credit to the customer. If the service disruption is for 48 hours or less, the credit must be equal to a pro-rata portion of the monthly recurring charges for all local services disrupted. If the service disruption is for more than 48 hours, but not more than 72 hours, the credit must be equal to at least 33% of one month's recurring charges for all local services disrupted. If the service*

disruption is for more than 72 hours, but not more than 96 hours, the credit must be equal to at least 67% of one month's recurring charges for all local services disrupted. If the service disruption is for more than 96 hours, but not more than 120 hours, the credit must be equal to one month's recurring charges for all local services disrupted. For each day or portion thereof that the service disruption continues beyond the initial 120-hour period, the carrier shall also provide either alternative telephone service or an additional credit of \$20 per day, at the customers option.

- b) *If a carrier fails to install basic local exchange service as required under Section 732.20(a), the carrier shall waive 50% of any installation charges, or in the absence of an installation charge or where installation is pursuant to the Link Up program, the carrier shall provide a credit of \$25. If a carrier fails to install service within 10 business days after the service application is placed, or fails to install service within 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the carrier shall waive 100% of the installation charge, or in the absence of an installation charge or where installation is provided pursuant to the Link Up program, the carrier shall provide a credit of \$50. For each day that the failure to install service continues beyond the initial 10 business days, or beyond 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the carrier shall also provide either alternative telephone service or an additional credit of \$20 per day, at the customer's option until service is installed.*
- c) *If a carrier fails to keep a scheduled repair or installation appointment when a customer premises visit requires a customer to be present, the carrier shall credit the customer \$50 per missed appointment. A credit required by this subsection does not apply when the carrier provides the customer with 24-hour notice of its inability to keep the appointment.*
- d) *If the violation of a basic local exchange service quality standard is caused by a carrier other than the carrier providing retail service to the customer, the carrier providing retail service to the customer shall credit the customer as provided in this Section. The carrier causing the violation shall reimburse the carrier providing retail service the amount credited the customer. When applicable, an interconnection agreement shall govern compensation between the carrier causing the violation, in whole or in part, and the retail carrier providing the credit to the customer.*
- e) *When alternative telephone service is appropriate, the customer may select one of the alternative telephone services offered by the carrier. The alternative telephone service shall be provided at no cost to the customer for the provision of local service.*

- f) *Credits required by this Section do not apply if the violation of a service quality standard:*
- 1) *occurs as a result of a negligent or willful act on the part of the customer;*
  - 2) *occurs as a result of a malfunction of customer-owned telephone equipment or inside wiring;*
  - 3) *occurs as a result of, or is extended by, an emergency situation;*
  - 4) *is extended by the carrier's inability to gain access to the customer's premises due to the customer missing an appointment, provided that the violation is not further extended by the carrier;*
  - 5) *occurs as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier;*
  - 6) *occurs as a result of a carrier's right to refuse service to a customer as provided in 83 Ill. Adm. Code 735; or*
  - 7) *occurs as a result of a lack of facilities where a customer requests service at a geographically remote location, a customer requests service in a geographic area where the carrier is not currently offering service, or there are insufficient facilities to meet the customer's request for service, subject to a carrier's obligation for reasonable facilities planning.*
- g) *The provisions of this Section are cumulative and shall not in any way diminish or replace other civil or administrative remedies available to a customer or a class of customers. [220 ILCS 5/13-712(e)]*